

and that their visas applications were clearly not sufficient under the law—the Department adamantly refused to tighten visa procedures and only began interviewing all non-immigrant applicants between the ages of 12 and 70, including Saudi citizens, in July of 2002—a full ten months after the terrorist attacks.

Although Saudi Arabia was and is considered a U.S. ally, it was the responsibility of the Consular Affairs assistant secretary to know, even before 9/11, the Saudi-terrorism connection and how it might have been present among individuals trying to get into the U.S. The Commission report should have made this connection, but it did not. It found no real fault of Consular Affairs in this regard.

As I mentioned at the outset, I hope you will use my findings to advance constructively the final report of the 9/11 Commission. I believe that if you are going to provide an accurate picture to the American public about what caused the tragic events of September 11, you must place greater emphasis on our government's approach to visa processing and its compliance with immigration law in this regard, and on processing in Saudi Arabia in particular. As important as it is to examine the intelligence failures before 9/11, it is no less important to discuss how simple enforcement of the law would have prevented at least 15 of the 19 9/11 terrorists from being in the United States on that tragic day.

Sincerely,

JON KYL,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 23, 2004.

The Hon. SLADE GORTON,
Member National Commission on Terrorist Attacks Upon the United States, Washington, DC.

DEAR SLADE: I write to convey how important I believe it is that the 9/11 Commission focus on the State Department's, and to a lesser degree, Immigration and Naturalization Service's, contribution to the dysfunction of our government before September 11.

It is clear to me that the State Department's Office of Consular Affairs, headed then by Mary Ryan, was utterly ineffective in making sure U.S. security interests were protected. Having read Ms. Ryan's January 24, 2004 testimony before the Commission and her responses to its questions, I have concluded, that, even today, she does not understand that, if U.S. laws related to the processing and approving of visa applications had been followed, September 11 could have been prevented.

Section 214(b) of the Immigration and Naturalization Act presumes that an alien who applies for a temporary visa actually intends to stay here permanently "until [the alien] establishes to the satisfaction of the consular officer" that he only intends to come here temporarily. The State Department should not deem an applicant as having established his intent until all processes related to the visa are complete and until a face-to-face interview has been conducted. Before September 11, consular officers were allowed to regularly approve temporary visa applications even when applications were incomplete and no face-to-face interviews were conducted.

On January 24, in response to a question from Commissioner Gorelick about "how and in what circumstances the hijackers got into this country," Mary Ryan declared that consular officials "adjudicated the visas correctly." This is simply false. At a minimum, the applications of the hijackers were incomplete. All 19 had omissions and inconsistencies on their visa applications that should

have raised concerns about why they wanted visas (see Mowbray article enclosed). Additionally, personal interviews should, in my view, have been required of all intending immigrants in order for the State Department to have been in compliance with 214(b). Consular Affairs, contrary to its initial statements about this matter, failed to personally interview 13 of the 15 terrorists who were from Saudi Arabia.

Since these processes were not successfully completed, the visas, by law, should have been denied.

In October 2002, Senator Feinstein and I, as ranking member and chairman of the Judiciary Subcommittee on Terrorism, wrote to Secretary of State Powell to impress upon him that the manifest weaknesses of our nation's visa system contributed, and will continue to contribute, to the risk of terrorism against the United States and its citizens. I enclose for your review our letter, a list of 20 additional questions we submitted to Secretary Powell about visa processing, and the State Department's answers. As you will see from its answers, the Department refuses to acknowledge that, if it had exercised its obligations under the law, and refused visas to the terrorists, September 11 might have been prevented.

Enclosed as well is a copy of the additional views Senator Roberts and I appended to the December 2002 Intelligence Committees' Joint Inquiry Staff Report. In our statement, we make clear that these deficiencies, and an evident unwillingness to make existing State Department security mechanisms work properly, contributed to the tragedy.

I also urge you to review the exchange Ms. Ryan had with Commissioners Ben-Veniste and Lehman wherein she shows a lack of comprehension that special treatment of Saudis seeking U.S. visas simply should not have occurred, given the prevalence in Saudi Arabia of Wahhabism, a virulently anti-American strain of Islam. I enclose, in addition, articles by investigative reporter Joel Mowbray that provide details about State Department activities, and particularly about the issuance of visas to Saudi citizens. The State Department's presumption that most Saudis were eligible for visas was inexcusable and, I believe, definitively contributed to the terrorist attacks on our nation.

Bottom line: 9-11 could have been prevented if State Department officials had done their job. What are we doing to ensure they do so in the future?

Sincerely,

JON KYL,
U.S. Senator.

AMERICAN MUSIC MONTH

Mr. ALEXANDER. A few years ago, a New York Times story reported that "Lamar Alexander grew up in a lower, middle class family in the mountains of East Tennessee." The article so offended my mother I found her reading Thessalonians to help deal with what she regarded as a "slur on our family."

"We never thought about ourselves that way," she told me. "You had a library card from the day you were three and a music lesson from the day you were four. You had everything you needed that was important."

I was 4 years old in Maryville, TN, a town of about 10,000 then, when my mother took me to Maryville College to learn how to play the piano. One of the college professors loaned us a battered upright piano which sat in our living room for several years. Every

day before school, I would bang away on Czerny, Bach, Beethoven and Mozart—and throw in a little Jerry Lee Lewis when I thought no one was around to correct me.

I participated in annual piano contests sponsored by the National Federation of Music Clubs. I played in the Maryville High School band and played piano at revival meetings while my father—who had a beautiful tenor voice—led the singing.

After working during the day as a law clerk in New Orleans for Judge John Minor Wisdom I played trombone, tuba and washboard in the band at Your Father's Moustache on Bourbon Street to earn a little extra money.

When I walked across the State in a winning campaign for Governor I took four students from the University of Tennessee marching band with me. We performed as Alexander's Washboard Band dozens of times from the back of a flatbed truck.

As Governor, I could think of only one way to unify our State that was made up of so many different climates, political beliefs and people, and that was our music. From the Carter family in Bristol, to Music City in Nashville, to the blues and gospel of Beale Street in Memphis. Tennessee can be said to be the home of American music.

As Education Secretary in the first Bush administration I was asked to be the Republican speaker at the annual Gridiron Dinner, a press gathering where public careers are made or broken. When I found that Texas Governor Ann Richards was the Democrat speaker I decided that was not a contest I was likely to win. So instead of speaking, I wrote some lyrics to country music songs and sang and played the piano.

Music has been throughout my life a source of inspiration and joy. I suspect that is true for most Americans. It is a rare American who does not have some story about how music has made our lives richer and more interesting, how it has changed our moods, brought out the best in our character and even sometimes helped us earn a living.

So I am proud to join with the Senator from Illinois and co-sponsor this important resolution declaring American Music Month. Our music is an integral part of the American character, and we should celebrate it.

NO CHILD LEFT BEHIND

Mr. ENZI. Mr. President, I would like to congratulate the educators, administrators, parents, and children of my home State of Wyoming. Since the implementation of No Child Left Behind in 2001, our students have increased their test scores, proving that our schools are taking the adequate steps needed to ensure academic proficiency for all students, including those who are disadvantaged. The basis of No Child Left Behind is simple. It says that every 4th grader should be able to read, and do mathematics at a 4th